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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FARMWORKER JUSTICE and
EARTHJUSTICE,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

) No. CV-18-02293-SK

)
) **STIPULATION AND ORDER AS MODIFIED**
) **REGARDING PLAINTIFFS' WITHDRAWAL**
) **OF MOTION FOR SUMMARY JUDGMENT**
) **AND CASE MANAGEMENT CONFERENCE**

The parties, through their undersigned attorneys, hereby notify the Court that under Local Rule 7-7(e), Plaintiffs withdraw without prejudice their Motion for Summary Judgment filed on April 23, 2018. ECF No. 9. The parties further stipulate, pursuant to Civil Local Rule 6-2 and 7-12, and subject to the approval of the Court, that the initial case management conference set for July 30, 2018, should be vacated and this action exempted from the initial disclosure and conference requirements of Federal Rules of Civil Procedure 26(a) and (f). This stipulation is based on the accompanying Declaration of Julie C. Reagin and the following facts:

1. Plaintiff's lawsuit, filed on April 17, 2018, identifies one FOIA request that is the subject of this litigation: EPA-HQ-2018-002879 (the "2018 Request"). The 2018 Request sought four

1 categories of documents. Only two remain relevant to this action.

2 2. The parties have been engaged in cooperative and productive communications that have
3 resulted in an agreement on the scope and parameters for the remaining two categories of the 2018
4 Request and have agreed upon a reasonable proposed timetable for the search, review, and release of
5 documents responsive to those requests.

6 3. According to this timetable, Defendant will review and process no less than 850
7 documents per month and will release all responsive, non-exempt documents from this review on a
8 monthly basis, starting June 29, 2018 (first release date), and continuing on a monthly basis thereafter
9 until production is complete. Defendant shall not seek an extension of this schedule without good cause.
10 Within two weeks following the final document release, Defendant shall provide Plaintiffs with a final
11 response letter that provides a list of withheld documents (not a *Vaughn* index) that describes the
12 document identification number, file name, type, date (to the extent possible), page number, and the
13 applicable FOIA exemptions under which they were withheld. This information will allow the Parties to
14 narrow the documents at issue in this case. Within four weeks following the final document release, the
15 parties will meet and confer in an attempt to narrow the parties' disputes in this case. Within 45 days of
16 the final document release, the parties will submit a joint status report on the progress of negotiations
17 and/or a proposed briefing schedule for summary judgment motions.

18 4. The parties stipulate and request that the Case Management Conference currently
19 scheduled for July 30, 2018, be continued while Defendant works toward the release of documents
20 according to this agreed-upon timetable. The parties will provide the Court with a joint status report
21 after the third release of documents by September 14, 2018. At that time, the parties will either request a
22 further continuance of the Case Management Conference to allow for the remaining production(s) or, if
23 the need arises, request the Court to set a Case Management Conference at that time. The parties
24 respectfully submit that this is the most efficient manner in which to proceed and will conserve both the
25 parties' and the Court's resources.

26 5. To allow time for Defendant to complete its responses to Plaintiff's FOIA request as
27 stated above and for the parties to resolve as many issues in this matter as possible between themselves,
28

1 the parties further stipulate and request that they be relieved from the initial disclosure and conference
2 requirements of Federal Rule of Civil Procedure 26(a) and (f).

3 DATED: June 11, 2018

Respectfully submitted,

4 ALEX G. TSE
Acting United States Attorney

5 /s/ Julie C. Reagin
6 JULIE C. REAGIN
Assistant United States Attorney¹

7 Attorneys for Defendant U.S.
8 Environmental Protection Agency

9 DATED: June 11, 2018

10 EARTHJUSTICE

11 /s/ Carrie Apfel
12 CARRIE APFEL

13 Attorneys for Plaintiffs Farmworker
14 Justice and Earthjustice

15 ORDER

16 Pursuant to Plaintiff's request and the stipulation of the parties, and good cause having been
17 shown: (1) Plaintiffs' Motion for Summary Judgment is hereby DISMISSED WITHOUT PREJUDICE,
18 and (2) the Case Management Conference currently set for July 30, 2018, is **HEREBY CONTINUED**
19 **to October 1, 2018 at 1:30 p.m.** This action is exempt from the initial disclosure and conference
20 requirements of Federal Rule of Civil Procedure 26(a) and (f). The parties will provide the Court with a
21 joint status report by September 14, 2018.

22 **IT IS SO ORDERED.**

23 DATED: June 11, 2018

24 
25 SALLIE KIM
United States Magistrate Judge

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27
28 ¹ In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty
of perjury that counsel for Plaintiff has concurred in the filing of this document.